

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:07-00229

LLOYD E. RAPP

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On November 13, 2015, the United States of America appeared by Timothy D. Boggess, Assistant United States Attorney, and the defendant, Lloyd E. Rapp, appeared in person and by his counsel, David R. Bungard, Assistant Federal Public Defender, for a hearing on the petition on supervised release and amendment thereto submitted by United States Probation Officer Justin L. Gibson. The defendant commenced a four-year term of supervised release in this action on February 10, 2012, as more fully set forth in the Judgment Including Sentence Under the Sentencing Reform Act entered by the court on May 5, 2008.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found that the defendant has violated the conditions of supervised release in the following respects: (1) the defendant committed the federal crime of possession of a firearm as a convicted felon as evidenced by his guilty plea in this court on November 13, 2015, and the factual basis given in connection therewith to Count One of the two-count indictment filed in Case No. 2:15-00170 charging a violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2); (2) the defendant committed the state and local offenses of speeding, driving under the influence and simple possession of a controlled substance on January 23, 2015, as evidenced by his admission on the record of the hearing that the government possesses sufficient proof to prove the offenses by a preponderance of the evidence; (3) the defendant committed the state and local offenses of false certificates, simple possession of a controlled substance, obstructing an officer and escape on May 12, 2015, as evidenced by his admission on the record of the hearing that the government possesses sufficient proof to prove the offenses by a preponderance of the evidence; (4) the defendant used and possessed controlled substances as evidenced by his admission to the probation officer on February

2, 2015, that he used methamphetamine; and a positive urine specimen submitted by him on May 12, 2015, for amphetamine and methamphetamine; (5) the defendant failed to timely notify the probation officer of his change in residence inasmuch as on February 2, 2015, he admitted to the probation officer that he had changed his residence approximately one and one half weeks prior; (6) the defendant failed to report his arrest on January 23, 2015, within 72 hours inasmuch as he did not report the arrest to his probation officer until February 2, 2015; (7) the defendant failed to report for urinalysis testing on March 13 and May 13, 2015; and (8) the defendant failed to report to the probation office as instructed on June 2, 2015, and failed to submit a monthly report for the month of May 2015; all as admitted by the defendant on the record of the hearing with the exception of (2) and (3) as set forth above and all as set forth in the petition on supervised release and amendment thereto.

And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously

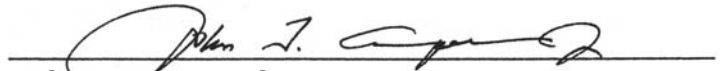
imposed upon the defendant in this action be, and it hereby is, revoked.

It is ORDERED that sentencing be continued so that it may be held at the same time as sentencing in Criminal No. 2:15-00170 and is accordingly scheduled for 1:30 p.m. on February 16, 2016.

The defendant was remanded to the custody of the United States Marshal.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: November 18, 2015


John T. Copenhaver, Jr.
United States District Judge